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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,039	01/10/2006	Charles L. Compton	2003007922	1691
50764 7590 10/04/2007 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,039	COMPTON ET AL.	
	Examiner	Art Unit	
	Reuben M. Brown	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon, (U.S. Pat # 6,253,375), hereinafter referred to as Gordon '375, in view of Gordon (U.S. Pat # 5,920,700), hereinafter referred to as Gordon '700.

Considering claim 1, the claimed system for on-demand session resource management in an on-demand platform for the delivery of on-demand digital assets, the system comprising;

'a session manager' is met by the video session manager 106, of Gordon '375, which associates the selected program with open session for that particular subscriber, see col. 4, lines 15-25 & col. 6, lines 29-45.

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'resource manager for managing resources associated with the on demand delivery of digital asset to an on demand client' reads on the operation of the server 102, of Gordon '375, which accepts information requests from the session manager 106, recalls that information from memory and generates a plurality of program streams containing the information. However, the server 102 of Gordon '375 does not explicitly disclose the all of the claimed features of a 'manager'. Nevertheless Gordon '700, which is in the same field of endeavor, discloses a storage resource manager 102 that more specifically teach these elements, see col. 5, lines 24-45. It would have been obvious for one of ordinary skill in the art, to modify Gordon '375 with the teachings of Gordon '700, at least for the desirable advantage of optimizing the utilization of memory devices, as taught by Gordon '700, see col. 3, lines 55-60.

As for the claimed features of the 'session manager' and 'resource manager' cooperating and being separate logical components, both Gordon '375 and Gordon '700, present the manager details as separate logical entities. Also both references provide a distributed and scalable system.

Considering claim 2, Gordon '375 teaches that the server 102 contains a plurality of time division multiplexed data streams, and meets the claimed elements, see col. 7, lines 35-62.

Considering claim 3, the claimed 'asset propagation manager' reads on the bandwidth manager 124 of Gordon '700.

Considering claims 4-5, the cited references do not discuss encryption. However, Official Notice is taken that encryption/conditional access requirements were very well known in the art of information distribution at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Gordon '375 with encryption, for the desirable improvement of ensuring that only the intended recipient receives and accesses the transmitted content.

Considering claim 6, the claimed network resource manager is met by the network manager 114 of Gordon '375.

Considering claims 7 & 19, the claimed edge resource manger reads on the session control manger 220 of Gordon '375 and the configuration manager 108 of Gordon '700, see col. 5, lines 4-24 & col. 8, lines 18-40.

Considering claims 8-9, the claimed plurality of resource managers for managing different aspects of the architecture, such that each resource manager is asynchronous with respect to the session manager reads on the plurality of mangers already disclosed above, as being disclose by Gordon '375 and Gordon '700.

Considering claims 10-11 & 13, the session manager 106 in Gordon '375 manages switched broadcast services, see col. 8, lines 7-41 & col. 9, lines 14-26.

Considering claim 12, the claimed personal video recorder services reads on the subscriber databases, located within the video session manager, col. 11, lines 35-55.

Considering claims 14-15, see Gordon '700, col. 5, lines 24-62.

Considering claim 16, the claimed purchase server, is necessarily included in both Gordon '375, col. 6, lines 58-65 and Gordon '700.

Considering claims 17-18, the claimed feature of performing an entitlement check and generating a token when a client request is authorized reads on Gordon '375, col. 6, lines 29-48 & col. 9, lines 18-21.

Considering claim 20, the claimed system for on demand session and resource management in an on demand platform, corresponds with the combination of elements, recited above in the analysis of claims 1, 4, 6 & 7, and is likewise treated.

Considering claims 21-22, the claimed features are consistent with the operation of the resource managers disclosed in Gordon '375 & Gordon '700.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

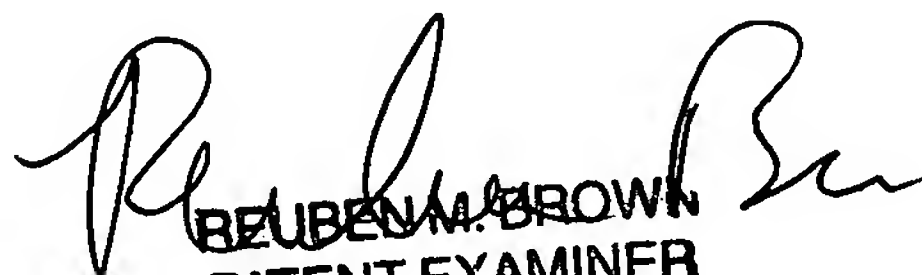
(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER